

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference MR2 03054PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/FR2004/001717	International filing date (day/month/year) 02.07.2004	Priority date (day/month/year) 02.07.2003
International Patent Classification (IPC) or national classification and IPC G02B5/02, G02B5/22, F21V9/06, G02F1/133		
Applicant SAINT-GOBAIN GLASS FRANCE		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of _____ sheets, including this cover sheet.
3.	This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1-12 _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. 1-23 _____ as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* _____ received by this Authority on _____
 - nos.* _____ received by this Authority on _____
 - ☐ the drawings:
 - sheets _____ as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>4, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19, 23</u>	YES
		Claims <u>1-3, 5, 12-14, 20-22</u>	NO
	Inventive step (IS)	Claims _____	YES
		Claims <u>1-23</u>	NO
	Industrial applicability (IA)	Claims <u>1-23</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
1.	<p>Reference is made in the present notification to the following document cited in the search report. The numbering given below will be used throughout the rest of the procedure.</p> <p>D1: WO-A-01/22129</p>		
2.1	<p>The present application fails to comply with the requirements of PCT Article 6 because claim 1 is unclear. The subject matter of claim 1 relates to a thermoplastic sheet <u>suitable</u> for filtering part of the electromagnetic wave spectrum. However, it is not clear how the subject matter claimed is restricted by the expression "<u>suitable for</u>". Indeed, it is clear that any thermoplastic sheet at least partially filters part of the electromagnetic wave spectrum. Any such thermoplastic sheet could thus be considered by a person skilled in the art to be <u>suitable</u> for filtering part of the electromagnetic wave spectrum.</p>		
2.2	<p>It follows that the subject matter of claim 1 has</p>		

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not been clearly defined (PCT Article 6).

3.1 Furthermore, in spite of the above-mentioned lack of clarity, the subject matter of claim 1 is not novel (PCT Article 33(2)).

3.2 Document D1 describes (see figure 9 and page 27, line 15 to page 28, line 12; the reference signs between parentheses apply to this document) a diffusing structure including at least one diffusing layer (the particle-containing layer in example 26, with the passage on page 16, lines 12-16) for making a light source uniform, and further including at least one thermoplastic sheet (layer made of PEN, page 27, lines 17, 18) suitable for filtering part of the electromagnetic wave spectrum of said light source (see figure 9).

3.3 It follows that the subject matter of claim 1 is not novel (PCT Article 33(2)).

4. For the same reasons, *mutatis mutandis*, the subject matter of claims 20, 21 and 22 is not novel (EPC Article 54(1) and (2)).

5. The additional features in claims 2, 3, 5, 12, 13 and 14 are also described in document D1. In particular, D1 describes (figure 9) a thermoplastic sheet suitable for filtering the wavelength range from 0.28 μm to 0.40 μm . The diffusing structure includes at least one

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inorganic element (Zeeospheres; see page 19, lines 1-10). The diffusing structure includes a reflective polariser having multiple birefringent layers (see figure 2 and page 6, lines 18-20). The diffusing layer has a thickness of less than 400 μm (see table 2, page 27). It follows that the subject matter of dependent claims 2, 3, 5, 12, 13 and 14 is not novel (PCT Article 33(2)).

6.1 The features in dependent claims 4, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19 and 23 do not appear to contain any additional features which, when combined with the subject matter of any one of the claims on which they are dependent, define subject matter that complies with the requirements of inventive step of the EPC. For example, the diffusing structure according to D1 can include a plastic sheet for monitoring the viewing angle (BEF, page 18, lines 16-22), and a wire grid reflective polariser (page 23, line 1).

6.2 It follows that dependent claims 4, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19 and 23 do not appear to involve an inventive step (PCT Article 33(3)).